

An aerial photograph of a large, classical-style government building with a prominent central dome. The building is surrounded by a wide courtyard featuring a central fountain and several large, rounded trees. The entire image has a blue color cast. A white text box is overlaid on the upper portion of the image.

Execution and Enforcement in Civil Matters

Manoj Prasad
PDJ Cum Chairman.
Commercial Taxes Tribunal
Ranchi, Jharkhand

General Aspects

- CPC Part II- Section 36-74
- Order 21 CPC- Rule 1 – 106
- Order 10- Rule 4
- Order 11 - Rule 21
- Order 16- Rule 10 (3), Rule 12
- Order 17- Rule 2-3
- Order 26- Rule 11, 13
- Order 38
- Order 39- Rule 2 A, 7 & 9
- Order 40- Rule 4
- Order 41- Rule 1

Scheme of Order XXI CPC

1. Courts executing decree
2. Application for execution
3. Mode of execution
4. Arrest and detention
5. Attachment of property
6. Sale of property
7. Resistance to delivery of possession- adjudication of claims

Modes and procedures relating to execution

1. Money decree
2. Decree for movable property
3. Decree for immovable property
4. Decree for specific performance
5. Decree for injunction
6. Decree for restitution of conjugal rights
7. Decree for execution of documents / negotiable instrument
8. Decree for delivery of possession of immovable property

Enforcement of foreign judgment

1. Section 44A CPC -- Reciprocating country
2. Section 13, 14 of the CPC
3. Limitation under Art 137 Of the Limitation Act
4. Cause Country – Forum Country
5. Other foreign judgments – can be only used as evidence

Bottlenecks in execution

The difficulties of a litigant begins when he has obtained a decree – Privy Council

- Procedural issues
- Delay
- Delay – cost imbalance
- Third party rights
- Arbitration awards – no time limit for execution

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Thank You